

EXHIBIT 2

1 Meir Rubinov, NY Bar # 6077887
2 CONSUMER ATTORNEYS
3 *Admitted Pro Hac Vice*
4 68-29 Main Street
5 Flushing NY 11367
6 T: 718-640-8123
7 F: (718) 715-1750
8 E: mrubinov@consumerattorneys.com

9
10 Andrew J. Gramajo, CA # 338144
11 AJG LAW GROUP, PC.
12 25A Crescent Dr. #402
13 Pleasant Hill, CA 94523
14 T:(415) 638-9140
15 E: andrew@ajglawgroup.us

16
17 *Attorneys for Plaintiff*
18 *Ruben Flores*
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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

29
30 RUBEN FLORES,

31 Case No.: 2:25-cv-01621-WLH-SK

32 Plaintiff,

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**COMPLAINT AND JURY TRIAL
DEMANDED**

37
38 vs.
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ASSUREHIRE, INC.,

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Defendant.

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FIRST AMENDED COMPLAINT

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Ruben Flores (“Plaintiff”) by and through his counsel brings the following
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Complaint against AssureHire, Inc. (“Defendant” or “AssureHire”) for violations of
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the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681, *et seq.*, and
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1 California Consumer Credit Reporting Agencies Act (“CCRAA”), Cal. Civ. Code §
2 1785, *et seq.*, arising out of an employment background check report that Defendant
3 published to Plaintiff’s potential employer, falsely and/or misleadingly branding
4 Plaintiff as a convicted misdemeanant with a history of reckless intoxication and
5 endangering the public through drunk driving. ~~branding Plaintiff as a convicted~~
6 ~~misdemeanant with a history of reckless intoxication and endangering the public~~
7 ~~through drunk driving.~~

10 INTRODUCTION

11 1. This is an individual action for damages, costs, and attorney’s fees
12 brought against Defendant pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§
13 1681, *et seq.* (“FCRA”) and Cal. Civ. Code § 1785, *et seq.*

14 2. Defendant is a consumer reporting agency that compiles and maintains
15 files on consumers on a nationwide basis. It sells consumer reports generated from
16 its database and furnishes these consumer reports to employers who use the reports
17 to make decisions regarding whether to offer employment to certain consumers.

18 3. Defendant falsely and/or misleadingly reported to Plaintiff’s
19 prospective employer that Plaintiff had been convicted of a misdemeanor for driving
20 under the influence (DUI). This patently false and/or misleading representation was
21 entirely baseless, defamatory, and made with reckless disregard for the truth.~~reported~~
22 ~~to Plaintiff’s prospective employer that Plaintiff had been convicted of a~~
23 ~~misdemeanor for driving under the influence (DUI). This egregiously false and~~

1 ~~reckless misrepresentation is entirely baseless and defamatory.~~

2 4. Plaintiff has never, at any point in his life, been charged with a
3 misdemeanor for driving under the influence (DUI) or any offense related to
4 intoxicated driving.

5 ~~5. Plaintiff's prospective employer misled and misguided by~~
6 ~~Defendant's reporting rejected his job application after receiving a background~~
7 ~~check from Defendant that falsely and/or misleadingly attributed a misdemeanor~~
8 ~~conviction to Plaintiff. This stigmatizing and defamatory misrepresentation—wholly~~
9 ~~unrelated to Plaintiff—directly deprived him of the employment opportunity.~~
10 ~~Plaintiff's prospective employer rejected his job application after receiving an~~
11 ~~employment background check report from Defendant, which falsely attributed a~~
12 ~~misdemeanor conviction to Plaintiff. This stigmatizing and defamatory~~
13 ~~misrepresentation entirely unconnected to Plaintiff directly cost him the~~
14 ~~employment opportunity.~~

15 ~~6.5. Defendant's reckless misreporting could have been easily prevented had~~
16 it exercised even minimal due diligence by reviewing the readily available public
17 court records from Madera County, California. A simple review would have
18 confirmed that the misdemeanor DUI conviction did not belong to Plaintiff, yet
19 Defendant failed to take this basic step before disseminating the false and damaging
20 report to Plaintiff's prospective employer.

21 ~~7.6. Had Defendant conducted even a cursory review of the public court~~

1 records, it would have immediately discovered that the criminal record belonged to
2 an entirely different individual—one who is clearly and unmistakably distinguishable
3 from Plaintiff by mug shot, address history, and Social Security number.
4

5 8.7. Defendant does not employ reasonable procedures to assure the
6 maximum possible accuracy of the information it reports regarding consumers.
7 Defendant's failure to employ reasonable procedures resulted in Plaintiff's report
8 being grossly inaccurate.
9

10 9.8. Defendant committed these violations pursuant to its standard policies
11 and practices, which harm innocent consumers seeking employment by prejudicing
12 their prospective employers with inaccurate criminal record information.
13

14 10.9. Defendant's inaccurate report cost Plaintiff a good paying job and job
15 security.
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17 11.10. As a result of Defendant's violations of the FCRA and CCRAA,
18 Plaintiff has suffered a range of actual damages including, without limitation, loss of
19 employment opportunities, wages, and benefits; loss of economic opportunities and
20 positions and advancements in the future; loss of time and money trying to correct
21 his background check report; the expenditure of labor and effort disputing and trying
22 to correct the inaccurate reporting; damage to his reputation; loss of sleep; lasting
23 psychological damage; permanent family upheaval; loss of capacity for enjoyment
24 of life; and severe emotional distress, including mental anguish, anxiety, fear,
25 frustration, humiliation, and deep embarrassment because of stigma from his family
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1 and friends. This emotional distress further resulted in the manifestation of physical
2 symptoms, such as weakness, blood pressure spikes, migraines, nausea, loss of
3 appetite, and debilitating depression.
4

5 12.11. As a result of Defendant's conduct, action, and inaction, Plaintiff brings
6 claims against Defendant for failing to follow reasonable procedures to assure
7 maximum possible accuracy based on 15 U.S.C. § 1681e(b) of the FCRA and Cal.
8 Civ. Code § 1785.14. Plaintiff further brings this action against Defendant for failing
9 to notify the consumer of the fact that public record information was being reported
10 by it, together with the name and address of the person to whom such information
11 was being reported, in violation of the FCRA, 15 U.S.C. § 1681k.
12

13 **PARTIES**
14

15 13.12. Ruben Flores ("Plaintiff") is a natural person residing in Norwalk,
16 California, and is a "consumer" as that term is defined in 15 U.S.C. § 1681a(c) and
17 Cal Civ. Code § 1785.3(b).
18

19 14.13. Defendant AssureHire, Inc. ("Defendant" or "AssureHire") is a
20 corporation doing business throughout the United States, including the State of
21 California and in this District, and has a principal place of business located at 2206
22 Plaza Dr. Ste. 100, Rocklin, CA 95765. Defendant can be served through its
23 registered agent, C T Corporation System, at 330 N. Brand Blvd. Glendale, CA
24 91203.
25

26 15.14. Among other things, Defendant sells background checks to employers
27

1 for their use in deciding whether to offer employment to prospective employees or to
2 take adverse action such as termination, failure to hire, or failure to promote. These
3 reports are provided in connection with a business transaction initiated by the
4 employer.

5 **16.15.** Defendant is a consumer reporting agency as defined in 15 U.S.C. §
6 1681a(f) and Cal Civ. Code § 1785.3(d) because for monetary fees, it regularly
7 engages in the practice of evaluating and/or assembling information on consumers
8 for the purpose of furnishing consumer reports for employment purposes to third
9 parties, and uses interstate commerce, including the Internet, for the purpose of
10 preparing and furnishing such consumer reports.

11 **JURISDICTION AND VENUE**

12 **17.16.** This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C.
13 § 1331 and 15 U.S.C. § 1681p, which allows claims under the FCRA to be brought
14 in any appropriate court of competent jurisdiction.

15 **18.17.** Venue is proper in this District pursuant to 28 U.S.C. § 1331(b)(2)
16 because a substantial part of the events or omissions giving rise to Plaintiff's claims
17 occurred in this District.

18 **STATUTORY BACKGROUND**

19 **19.18.** Enacted in 1970, the FCRA's passage was driven in part by two related
20 concerns: first, that consumer reports were playing a central role in people's lives at
21 crucial moments, such as when they applied for a job or credit, and when they applied
22

1 for housing. Second, despite their importance, consumer reports were unregulated
2 and had widespread errors and inaccuracies.
3

4 20.19. While recognizing that consumer reports play an important role in the
5 economy, Congress wanted consumer reports to be “fair and equitable to the
6 consumer” and to ensure “the confidentiality, accuracy, relevancy, and proper
7 utilization” of consumer reports. 15 U.S.C. § 1681.
8

9 21.20. Congress, concerned about inaccuracies in consumer reports,
10 specifically required consumer reporting agencies to follow “reasonable procedures
11 to assure maximum possible accuracy” in consumer reports. 15 U.S.C. § 1681e(b).
12

13 22.21. Consumer reports that contain factually incorrect information which
14 does not belong to the consumer at issue are neither maximally accurate nor fair to
15 the consumers who are the subjects of such reports.
16

THE FCRA’S PROTECTIONS FOR JOB APPLICANTS

17 23.22. Despite its name, the Fair Credit Reporting Act covers more than just
18 credit reporting, it also regulates employment background check reports like the one
19 Defendant prepared in Plaintiff’s name.
20

21 24.23. The FCRA provides a number of protections for job applicants who are
22 the subject of background checks for purposes of securing employment, housing, and
23 other purposes.
24

25 25.24. In the parlance of the FCRA, background checks are “consumer
26 reports,” and providers of background checks, like Defendant, are “consumer
27

1 reporting agencies.” 15 U.S.C. §§ 1681a(d) and (f).

2 26.25. The FCRA imposes duties on consumer reporting agencies to assure that
3 consumer reports are accurate and that “consumer reporting agencies exercise their
4 grave responsibilities with fairness, impartiality, and a respect for the consumer’s
5 right to privacy.” 15 U.S.C. § 1681.

6 27.26. Under 15 U.S.C. § 1681e(b), consumer reporting agencies are required
7 “to follow reasonable procedures to assure maximum possible accuracy of the
8 information concerning the individual about whom the report relates.”

9 28.27. Defendant disregarded its duties under the FCRA with respect to
10 Plaintiff’s background check report.

11 **DEFENDANT’S ILLEGAL BUSINESS PRACTICES**

12 29.28. Over the past 15 years, there has been increased collection and
13 aggregation of consumer data, including criminal records and sex offender
14 registration data. As a result of the increasing availability of this data, there has been
15 a boom in the background check industry.

16 30.29. As summarized in a recent report by the Consumer Financial Protection
17 Bureau¹, a 2018 survey of employers found that 95 percent of employers surveyed
18 conducted one or more types of background screening. CFPB Report at 4.

17 ¹ CFPB, Market Snapshot: Background Screening Reports (Oct. 2019),
28 https://files.consumerfinance.gov/f/documents/201909_cfpb_market-snapshot-background-screening_report.pdf (“CFPB Report”).

1 31.30. The criminal background check industry takes in revenues in excess of
2 three billion dollars, annually.
3

4 32.31. Criminal background checks are generally created by running
5 automated searches through giant databases of aggregated criminal record data. The
6 reports are created and disseminated with little to no manual, in-person review, and
7 the court records are rarely directly reviewed in creating criminal background checks.
8

9 33.32. Background check companies, like Defendant, collect millions of
10 criminal records from a number of sources with data from county, state, and federal
11 level sources. The data included on the reports is often not obtained directly from
12 court records on an individual basis but instead is purchased in bulk or scraped from
13 court websites.
14

15 34.33. Given that Defendant is in the business of selling background checks,
16 Defendant should be well aware of the FCRA and the attendant harm to consumers
17 for reporting inaccurate or outdated information.
18

19 35.34. Defendant places its business interests above the rights of consumers
20 and reports such inaccurate information because it is cheaper for Defendant to
21 produce reports containing information that is inaccurate and incomplete than it is
22 for Defendant to exert proper quality control over the reports prior to their being
23 provided to Defendant's customers.
24

25 36.35. Defendant reports such erroneous and incomplete information because
26 it wants to maximize the automation of its report creation process, thereby saving the
27
28

1 costs associated with conducting the additional review necessary to remove the
2 inaccurate or out-of-date entries.
3

4 37.36. Defendant charges its customers the same price for reports that are
5 grossly inaccurate as it does for accurate reports.
6

7 37. Defendant was, and remains, on actual and/or constructive notice that
8 relying on limited identifiers—such as first and last name and date of birth—poses a
9 heightened risk of false positives, particularly for individuals with common names
10 like Plaintiff, who may easily share those identifiers with unrelated third parties.²
11 Despite this known risk, Defendant continues to employ such deficient matching
12 procedures, resulting in the dissemination of inaccurate and misleading consumer
13 information, as occurred in Plaintiff's case.
14

16 38. A proper quality control review of Plaintiff's report would have
17 unmistakably revealed that Defendant was falsely attributing a misdemeanor DUI
18 conviction to Plaintiff, when in fact, it belonged to an entirely unrelated individual.
19 This glaring error would have been immediately apparent through a simple
20 comparison of the mug shot in the public record, as well as clear discrepancies in
21 address history and Social Security number.
22

24 39. As a provider of background check reports, Defendant should be aware
25 of the FCRA requirements and is a member of the Professional Background
26

28

² Fair Credit Reporting; Name-Only Matching Procedures, Page 8.

1 Screening Association (“PBSA”). PBSA hosts a conference at least once a year
2 where presenters discuss compliance with federal and state consumer reporting laws.
3

4 **FACTS**

5 **Plaintiff Applies for a Job with Patriot Environmental Services**

6 40. In or around November 2024, Plaintiff applied for full-time employment
7 as a Field Technician with Patriot Environmental Services.
8

9 41. Upon information and belief, Plaintiff successfully overcame all
10 requisite hurdles to securing the applied-for position, except one: the passing of a
11 background check report.
12

13 42. On or about November 25, 2024, Plaintiff received a job offer from
14 Patriot Environmental Services indicating that the start date will be on December 11,
15 2024.
16

17 43. However, the offer of employment extended to Plaintiff was contingent
18 upon Plaintiff's passing of a background check (“consumer report”).
19

20 44. Plaintiff was genuinely eager to begin his role with Patriot
21 Environmental Services, relieved and optimistic that after a prolonged period of
22 unemployment, he would once again be able to provide for his family. Confident in
23 the outcome of the required background check—given his lack of any criminal
24 history—Plaintiff fully intended to commence work on the designated start date
25 without hesitation or concern.
26
27

Defendant Published an Inaccurate Background Check Report to Patriot Environmental Services

44.45. Patriot Environmental Services contracted with Defendant to conduct background checks, including criminal background checks, on its prospective employees.

45.46. On or about December 2, 2024, Patriot Environmental Services ordered a criminal background check on Plaintiff from Defendant.

46.47. On or about December 5, 2024, in accordance with its standard procedures, Defendant completed its consumer report about Plaintiff and sold the same to Patriot Environmental Services. On or about December 5, 2024, pursuant to its standard procedures—which, upon information and belief, rely primarily on matching first and last name and date of birth—Defendant generated a consumer report concerning Plaintiff and furnished it to Patriot Environmental Services.

48. Within that consumer report, Defendant published ~~inaccurate~~false and/or misleading information about Plaintiff.

49. The fact of the matter that Defendant reported and associated this information to Plaintiff is readily evident even from its disclaimer which stated:

“This report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report.”

50. This disclaimer expressly acknowledges that the information contained

1 in the report is being presented about “the subject of the investigation”—which, in
2 this context, is Plaintiff—and that the reported public records, including criminal
3 activity, are associated with him. The phrase “may be inaccurately associated with
4 the consumer who is the subject of the report” concedes that Defendant is
5 affirmatively linking the information to Plaintiff, while simultaneously attempting to
6 disclaim responsibility for the accuracy of that association.

7 47.51. Specifically, Defendant’s consumer report on Plaintiff brazenly and
8 recklessly smeared his record with a misdemeanor DUI conviction from Madera
9 County, California—an utterly false and baseless conviction that had no connection
10 to him, which appeared in the consumer report as follows:

15	County Criminal Madera, CA - FLORES, RUBEN	consider
16	Case Number CCR076735	
17	Court Superior	
18	Filed Date 01/22/2024	
19	Offense Date 12/16/2023	
20	Name FLORES, RUBEN	
21	DOB 01/08/XXXX	
22	Comments Confirmed By: NAME/DOB	
23	Charge DRIVING UNDER THE INFLUENCE (0.08 % OR MORE)	
24	Charge Type MISDEMEANOR	
25	Disposition GUILTY	
26	Disposition Date 09/18/2024	
27	Sentence PROBATION: 3 YEARS	
28	JAIL: 5 DAYS	
	FINE: 1869	

23 48.52. The criminal conviction reported by Defendant about Plaintiff to Patriot
24 Environmental Services **does not** belong to Plaintiff.

25 49.53. Plaintiff has never, at any point in his life, been charged with or
26 convicted of a misdemeanor for driving under the influence (DUI).

1 50.54. A cursory review of the widely available public court records confirms
2 that the criminal record belongs to a distinct and unrelated male, Ruben Flores
3 (“Convicted Misdemeanant Flores”).
4

5 51.55. Had Defendant actually consulted or obtained the widely available
6 public court records regarding the conviction, it would have seen obvious
7 discrepancies between Convicted Misdemeanant Flores and Plaintiff.
8

9 52.56. The discrepancies that should have caused Defendant to realize Plaintiff
10 is not the same person as Convicted Misdemeanant Flores include the following:
11

12 (a) A mug shot relating to the misdemeanor DUI conviction readily
13 demonstrates that Plaintiff is not the same individual as Convicted
14 Misdemeanant Flores;
15

16 (b) Plaintiff’s current residence is at Norwalk, California, which is
17 confirmed and clearly indicated on the face of the subject
18 consumer report, and has also formerly lived in Lynwood,
19 California, Los Angeles, California, and Mount Holly, North
20 Carolina, yet the public court records regarding the criminal
21 conviction indicate that Convicted Misdemeanant Flores resided
22 in Madera, California at the time he committed the offense;
23

24 (c) Plaintiff’s Social Security number, which was provided to
25 Defendant and is partially contained on the face of the subject
26 consumer report is entirely different than that of Convicted
27

1 Misdemeanant Flores.
2

3 57. The sole reason the inaccurate criminal record was reported as
4 belonging to Plaintiff was that Defendant failed to follow reasonable procedures to
5 assure the maximum possible accuracy of the information it published within the
6 consumer report it sold about Plaintiff to Plaintiff's prospective employer.
7

8 53. Specifically, it is unreasonable to rely on only a first name and last name
9 and date of birth match—as Defendant did in this instance, especially in this case
10 where commonly named individuals (like Plaintiff) can share a date of birth.
11

12 54.58. Had Defendant adhered to reasonable procedures, it would have easily
13 uncovered that the inaccurate and stigmatizing criminal convictions belonged to a
14 completely unrelated individual—one who is unmistakably distinguishable from
15 Plaintiff by physical appearance, as evident from a publicly available mug shot, as
16 well as clear discrepancies in address history and Social Security number.
17

18 59. In preparing and selling a consumer report about Plaintiff, wherein
19 Defendant published to Plaintiff's prospective employer inaccurate information
20 about Plaintiff, Defendant failed to follow reasonable procedures to assure that the
21 report was as accurate as maximally possible, in violation of 15 U.S.C. § 1681e(b)
22 and Cal. Civ. Code § 1785.14.
23

24 60. Since Defendant is on actual and/or constructive notice of the fact just a
25 first and last name match and date of birth can regularly yield inaccurate, misleading
26 and damaging outcomes—as it did in the current instance—Defendant's 1681e(b)
27

1 violation for the subject reporting was done with knowledge of the fact that such
2 matching procedures, in contexts such as Plaintiff's, cannot possibly be in
3 compliance with 15 U.S.C. § 1681e(b) and Cal. Civ. Code § 1785.14.

5 55.61. Alternatively, Defendant acted with reckless disregard of its duties
6 pursuant to 15 U.S.C. § 1681e(b) and Cal. Civ. Code § 1785.14.

8 56. Further, Plaintiff was not informed by Defendant that it had provided
9 the public record information likely to have an adverse impact on employment to
10 Plaintiff's employer at the time the information was provided. Further, Plaintiff was
11 not provided with a proper notice under 15 U.S.C. § 1681k(a)(1), which requires a
12 consumer reporting agency to notify the consumer, at the time it furnishes public
13 record information likely to adversely affect employment, that such information has
14 been provided—along with the name and address of the employer to whom it was
15 sent. Defendant failed to include the employer's address in its notice, despite the
16 provision's clarity and the simplicity of compliance. The statute leaves no room for
17 alternative interpretation: providing both the name and address is a mandatory and
18 unambiguous requirement, which Defendant plainly failed to satisfy.

22 57. Accordingly, Plaintiff was not afforded an opportunity to dispute and
23 correct the inaccurate report *before* Defendant published the inaccurate report
24 containing the adverse information to Plaintiff's employer and *before* Plaintiff's
25 employer made an adverse decision to terminate Plaintiff's employment.

28 62. The FCRA has an employment-specific provision designed to address

1 the very kind of harm that the Plaintiff suffered as a result of Defendant's conduct
2 when public records are likely to have an adverse affect on employment, which is to
3 either provide an immediate and proper notice to the applicant at the time it published
4 public records to the user of the report *or* it must maintain strict procedures to ensure
5 the public record information is accurate, complete, and up to date.
6
7

8 63. Since Defendant failed to meet the strict and simple requirements of 15
9 U.S.C. § 1681k(a)(1), Defendant must have abided by § 1681k(a)(2) and maintain
10 strict procedures to ensure the adverse public record information it reported to
11 Defendant about Plaintiff was complete and up to date.
12

13 58.64. However, such strict procedures would have unquestionably prevented
14 the false attribution of another individual's criminal record to Plaintiff. Compliance
15 with § 1681k(a)(2) demands more than the baseline matching procedures used to
16 satisfy § 1681e(b); by definition, it requires a heightened standard of accuracy that
17 cannot be met through the same inadequate protocols.
18

19 59.65. Defendant violated 15 U.S.C. § 1681k(a) because it failed to comply
20 with both, subsection § 1681k(a)(1) by failing to notify Plaintiff that it had provided
21 adverse public record information to Plaintiff's employer at the time it provided the
22 public record information to Plaintiff's employer; and subsection § 1681k(a)(2) by
23 failing to maintain strict procedures to ensure the adverse public record information
24 it reported about Plaintiff was accurate, complete, and up to date.
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Patriot Environmental Services Rescinds Plaintiff's Job Application

60.66. On or about December 13, 2024, Plaintiff was notified by Patriot Environmental Services that his offer of employment had been rescinded as a direct result of the misdemeanor conviction reported by Defendant.

¶1.67. Shortly thereafter, on or about December 18, 2024, Plaintiff obtained a copy of the subject consumer report and was shocked and humiliated upon reviewing and realizing that the criminal conviction of another, namely Convicted Misdemeanant Flores, was published in the consumer report Defendant sold about Plaintiff to Patriot Environmental Services.

62.68. Plaintiff was very panicked, confused, and concerned about the negative impact of Convicted Misdemeanant Flores's serious criminal conviction reported on the subject consumer report – specifically, the impact of the same on his future.

63.69. Specifically, Defendant matched Plaintiff and Convicted Misdemeanant Flores and published the criminal record of Convicted Misdemeanant Flores onto the consumer report about Plaintiff and sold that report to Plaintiff's prospective employer.— This exculpatory public record information was widely available to Defendant prior to publishing Plaintiff's consumer report to Patriot Environmental Services but Defendant failed to perform even a cursory review of such information.

Plaintiff Disputed the Misinformation in Defendant's Consumer Report

64.70. On or about January 26, 2025, desperate to secure employment with Patriot Environmental Services and riddled with worry over the far-reaching impacts

1 of being confused with a convicted misdemeanant, Plaintiff disputed the inaccurate
2 information with Defendant, via email.
3

4 65.71. Plaintiff identified himself and provided sufficient information to
5 Defendant to support his dispute.
6

7 66.72. Plaintiff specifically disputed the criminal record of Convicted
8 Misdemeanant Flores.
9

10 67.73. Plaintiff specifically stated that the criminal record of Convicted
11 Misdemeanant Flores does not belong to Plaintiff.
12

13 68.74. To support his dispute, Plaintiff attached a copy of the mugshot photo
14 of Convicted Misdemeanant Flores, obtained from the Madera County Court, as well
15 as a copy of his driver's license for comparison, demonstrating beyond doubt that the
16 individual in the report was not the Plaintiff.
17

18 69.75. Plaintiff specifically asked Defendant to correct his consumer report and
19 provide the corrected version to both Patriot Environmental Services and himself.
20

21 70.76. On January 27, 2024, Plaintiff received Defendant's response, which
22 stated that the documentation had been forwarded to their Dispute Department.
23

24 71.77. On January 28, 2025, the Defendant provided Plaintiff with an updated
25 report, which no longer included the misdemeanor conviction, thereby demonstrating
26 the initial reckless inaccuracy disseminated about Plaintiff.
27

28 72.78. Plaintiff forwarded a copy of the updated background report to Patriot
Environmental Services. Subsequently, the Plaintiff received a call from Patriot
29

1 Environmental Services, during which he was informed that they would need to wait
2 for a representative from Human Resources to return from vacation before issuing a
3 new offer letter.
4

5 79. On or about February 14, 2025, Plaintiff received a second job offer
6 from Patriot Environmental Services. This offer, with a proposed start date of March
7 3, 2025, was contingent upon the successful completion of the same pre-employment
8 requirements as the first job offer.
9

10 73.80. However, given the stigmatizing nature of the original consumer report
11 and the potential it carried to cast lingering doubt or suspicion in the eyes of his
12 prospective employer, Plaintiff ultimately chose not to accept the job offer, seeking
13 instead a clean slate untainted by Defendant's patently false and/or misleading and
14 defamatory reporting.
15

16 74.81. Defendant's false report caused damage to the Plaintiff by leaving him
17 unemployed for several additional months that he otherwise would have been
18 employed for had Defendant instituted and implemented reasonable procedures to
19 ensure the maximum possible accuracy of the consumer reports they disseminate.
20

21 75.82. Specifically, had the Defendant not reported the inaccurate criminal
22 record, Plaintiff would have successfully fulfilled the pre-employment requirements
23 in December 2024, when he initially applied and received a job offer from Patriot
24 Environmental Service and began to work shortly thereafter.
25

26 76.83. Due to Defendant's unreasonable procedures in the first place and
27

1 despite Plaintiff's continued efforts to seek employment, Plaintiff continues to
2 remain unemployed ~~as his new start date was set to March 3, 2024, pursuant to his~~
3 ~~employment offer received on February 14, 2025.~~
4

5 84. The erroneous report severely disrupted Plaintiff's life, delaying his
6 employment and inflicting significant financial hardship that compromised his ability
7 to support his family. Worse still, the report shattered his personal relationships—his
8 fiancée, genuinely believing that Plaintiff was the convicted misdemeanant Flores,
9 ended their engagement in devastation and disgrace. As a result, Plaintiff was
10 deprived of the ability to celebrate both his and his son's birthdays, deepening his
11 emotional suffering. Struggling to meet even basic expenses, he was forced into the
12 humiliating position of borrowing more money from his parents, an indignity that
13 only compounded his distress.
14

17 85. To underscore the harm caused by Defendant's reporting, Plaintiff
18 previously battled alcoholism and successfully achieved sobriety through significant
19 personal effort. Given the seriousness with which Plaintiff regards his recovery—and
20 his family's vigilance concerning any potential relapse—the inaccurate report struck
21 at the most sensitive and hard-fought area of his life.
22

24 77.86. Defendant's patently false and/or misleading defamatory attribution of
25 a DUI conviction inflicted profound emotional harm by undermining the very
26 progress Plaintiff had worked so diligently to achieve, casting doubt in the minds of
27 those closest to him. His fiancée, disbelieving his denial and refusing to engage
28

1 further on the issue, ended their engagement, while his children were left believing
2 their father had relapsed.

3
4 78.87. The injuries suffered by Plaintiff as a direct result of Defendant's
5 erroneous reporting are the type of injuries that the FCRA was enacted to address.
6 Under common law, Defendant's conduct would have given rise to causes of action
7 based on defamation and invasion of privacy.
8

9 79.88. As a result of Defendant's violations of the FCRA, Plaintiff has suffered
10 a range of actual damages including, without limitation, loss of employment
11 opportunities, wages, and benefits; loss of economic opportunities and positions and
12 advancements in the future; loss of time and money trying to correct his background
13 check report; the expenditure of labor and effort disputing and trying to correct the
14 inaccurate reporting; damage to his reputation; loss of sleep; lasting psychological
15 damage; permanent family upheaval; loss of capacity for enjoyment of life; and
16 severe emotional distress, including mental anguish, anxiety, fear, frustration,
17 humiliation, and deep embarrassment because of stigma from his family and friends.
18 This emotional distress further resulted in the manifestation of physical symptoms,
19 such as weakness, blood pressure spikes, migraines, nausea, loss of appetite, and
20 debilitating depression.
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CLAIMS FOR RELIEF

COUNT I

15 U.S.C. § 1681e(b)

Failure to Follow Reasonable Procedures to Assure Maximum Possible Accuracy

80.89. Plaintiff re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs as if fully stated herein.

81.90. Defendant is a “consumer reporting agency” as defined by 15 U.S.C. § 1681a(f).

82.91. At all times pertinent hereto, Plaintiff was a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

83.92. At all times pertinent hereto, the above-mentioned consumer report was a “consumer report” as that term is defined by 15 U.S.C. § 1681a(d).

84.93. Defendant violated 15 U.S.C. § 1681e(b) by failing to establish or to “follow reasonable procedures to assure maximum possible accuracy” in the preparation of the consumer report it sold about Plaintiff as well as the information it published within the same.

85.94. As a result of Defendant's violations of the FCRA, Plaintiff has suffered a range of actual damages including, without limitation, loss of employment opportunities, wages, and benefits; loss of economic opportunities and positions and advancements in the future; loss of time and money trying to correct his background check report; the expenditure of labor and effort disputing and trying to correct the

1 inaccurate reporting; damage to his reputation; loss of sleep; lasting psychological
2 damage; permanent family upheaval; loss of capacity for enjoyment of life; and
3 severe emotional distress, including mental anguish, anxiety, fear, frustration,
4 humiliation, and deep embarrassment because of stigma from his family and friends.
5 This emotional distress further resulted in the manifestation of physical symptoms,
6 such as weakness, blood pressure spikes, migraines, nausea, loss of appetite, and
7 debilitating depression.

8 86.95. Defendant willfully violated 15 U.S.C. § 1681e(b) in that its conduct,
9 actions, and inactions were willful, rendering it liable for actual or statutory damages,
10 and punitive damages in an amount to be determined by the Court pursuant to 15
11 U.S.C. § 1681n. Alternatively, Defendant was negligent, entitling Plaintiff to recover
12 under 15 U.S.C. § 1681o.

13 87.96. Plaintiff is entitled to recover statutory damages, punitive damages, and
14 reasonable attorneys' fees and costs from Defendant in an amount to be determined
15 by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.

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COUNT II
Cal. Civ. Code § 1785.14
Failure to Follow Reasonable Procedures to Assure Maximum Possible
Accuracy

88.97. Plaintiff re-alleges and incorporates by reference the allegations set
forth in preceding paragraphs as if fully stated herein.

89.98. Defendant is a "consumer reporting agenc[ies]" as defined by Cal. Civ.

1 Code § 1785.3(d).

2 90.99. At all times pertinent hereto, Plaintiff was a “consumer” as that term is
3 defined by Cal. Civ. Code § 1785.3(b).

4 91.100. At all times pertinent hereto, the above-mentioned employment
5 report was a “consumer report[s]” as that term is defined by Cal. Civ. Code §
6 1785.3(c).

7 92.101. Defendant violated Cal. Civ. Code § 1785.14 by failing to
8 establish or to “follow reasonable procedures to assure maximum possible accuracy”
9 in the preparation of the employment report it sold about Plaintiff as well as the
10 information it published within it.

11 93.102. As a result of Defendant’s violations of the CCRAA, Plaintiff has
12 suffered a range of actual damages including, without limitation, loss of employment
13 opportunities, wages, and benefits; loss of economic opportunities and positions and
14 advancements in the future; loss of time and money trying to correct his background
15 check report; the expenditure of labor and effort disputing and trying to correct the
16 inaccurate reporting; damage to his reputation; loss of sleep; lasting psychological
17 damage; permanent family upheaval; loss of capacity for enjoyment of life; and
18 severe emotional distress, including mental anguish, anxiety, fear, frustration,
19 humiliation, and deep embarrassment because of stigma from his family and friends.
20 This emotional distress further resulted in the manifestation of physical symptoms,
21 such as weakness, blood pressure spikes, migraines, nausea, loss of appetite, and

debilitating depression.

94.103. Defendant willfully violated Cal. Civ. Code § 1785.14 in that its conduct, actions, and inactions were willful, rendering it liable for actual or statutory damages, and punitive damages in an amount to be determined by the Court pursuant to Cal. Civ. Code § 1785.31(a)(2). Alternatively, Defendant was negligent, entitling Plaintiff to recover under Cal. Civ. Code § 1785.31(a)(1).

95.104. Plaintiff is entitled to recover statutory damages, punitive damages, and reasonable attorneys' fees and costs from Defendant in an amount to be determined by the Court pursuant to Cal. Civ. Code § 1785.31(d), § 1785.31(a)(1) and/or § 1785.31(a)(2).

COUNT III
15 U.S.C. § 1681k(a)(1)

Failure to Provide “At the time” Notice and Failure to Maintain and Follow Strict Procedures to Ensure that Adverse Public Record Information is Accurate, Complete, and Up-to-date

96.105. Plaintiff re-alleges and incorporates by reference the allegations set forth in the preceding paragraphs as if fully stated herein.

97.106. The FCRA imposes specific requirements on consumer reporting agencies, like Defendant, that sell and distribute a consumer report for employment purposes that include public records.

98.107. Specifically, 15 U.S.C. § 1681k(a) requires that a consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers

1 which are matters of public record and are likely to have an adverse effect upon a
2 consumer's ability to obtain employment shall (1) at the time such public record
3 information is reported to the user of such consumer report, notify the consumer of
4 the fact that public record information is being reported by the consumer reporting
5 agency, together with the name and address of the person to whom such information
6 is being reported; or (2) maintain strict procedures designed to insure that whenever
7 public record information which is likely to have an adverse effect on a consumer's
8 ability to obtain employment is reported it is complete and up to date. For purposes
9 of this paragraph, items of public record relating to arrests, indictments, convictions,
10 suits, tax liens, and outstanding judgments shall be considered up to date if the current
11 public record status of the item at the time of the report is reported.
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14 99.108. Upon information and belief, Defendant violated 15 U.S.C. §
15 1681k(a) because it failed to notify Plaintiff of the adverse public records information
16 it had provided to Patriot Environmental Services at the time it provided his consumer
17 report to Patriot Environmental Services, and it failed to maintain **strict** procedures
18 to ensure the adverse information it reported about Plaintiff was complete and up to
19 date.
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22 100.109. Defendant's consumer report about Plaintiff was furnished for an
23 employment purpose and contained one or more public records of the type that may
24 adversely affect an employer's hiring decision.
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27 101.110. Plaintiff did not learn of the adverse information in Defendant's
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1 consumer report until Patriot Environmental Services informed him of the adverse
2 action that was taken against him because of the stigmatizing and erroneous
3 reporting.
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5 102.111. Defendant failed to comply with the rigors of 15 U.S.C. §
6 1681k(a)(2) and therefore must necessarily rely upon its compliance with §
7 1681k(a)(1).
8

9 103.112. Upon information and belief, Defendant did not send to Plaintiff
10 the requisite notice pursuant to 15 U.S.C. § 1681k(a)(1).
11

12 104.113. Upon information and belief, Defendant did not itself or by its
13 own court researchers or vendors attempt to verify the completeness or current status
14 of the public records pursuant to 15 U.S.C. § 1681k(a)(2), within thirty days before
15 it furnishes and resells these records in one of its reports.
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17 105.114. Defendant violated 15 U.S.C. § 1681k(a)(1) by failing to provide
18 the required FCRA notices to Plaintiff.
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20 106.115. As a result of Defendant's violations of the CCRAA, Plaintiff has
21 suffered a range of actual damages including, without limitation, loss of employment
22 opportunities, wages, and benefits; loss of economic opportunities and positions and
23 advancements in the future; loss of time and money trying to correct his background
24 check report; the expenditure of labor and effort disputing and trying to correct the
25 inaccurate reporting; damage to his reputation; loss of sleep; lasting psychological
26 damage; permanent family upheaval; loss of capacity for enjoyment of life; and
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1 severe emotional distress, including mental anguish, anxiety, fear, frustration,
2 humiliation, and deep embarrassment because of stigma from his family and friends.
3 This emotional distress further resulted in the manifestation of physical symptoms,
4 such as weakness, blood pressure spikes, migraines, nausea, loss of appetite, and
5 debilitating depression.
6

7 107.116. Defendant willfully violated 15 U.S.C. § 1681k(a)(1) in that its
8 conduct, actions, and inactions were willful, rendering it liable for actual or statutory
9 damages, and punitive damages in an amount to be determined by the Court pursuant
10 to 15 U.S.C. § 1681n. Alternatively, Defendant was negligent, entitling Plaintiff to
11 recover under 15 U.S.C. § 1681o.
12

13 108.117. Plaintiff is entitled to recover statutory damages, punitive
14 damages, and reasonable attorneys' fees and costs from Defendant in an amount to
15 be determined by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.
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17 **PRAYER FOR RELIEF**
18

19 **WHEREFORE**, Plaintiff prays for the following relief:
20

21 i. Determining that Defendant negligently and/or willfully violated the FCRA;
22 ii. Awarding Plaintiff actual, statutory, and punitive damages as provided by the
23 FCRA;
24 iii. Awarding Plaintiff reasonable attorneys' fees and costs as provided by the
25 FCRA; and,
26 iv. Granting further relief, in law or equity, as this Court may deem appropriate
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28

and just.

DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby demands a trial by jury on all issues so triable.

Dated: May 16, 2025

By: /s/ Meir Rubinov
Meir Rubinov, NY Bar # 6077887
CONSUMER ATTORNEYS
Admitted Pro Hac Vice
68-29 Main Street
Flushing NY 11367
T: 718-640-8123
F: (718) 715-1750
E: mrubinov@consumerattorneys.com

Andrew J. Gramajo, CA # 338144
AJG LAW GROUP, PC.
25A Crescent Dr. #402
Pleasant Hill, CA 94523
T:(415) 638-9140
E: andrew@ajglawgroup.us

*Attorneys for Plaintiff
Ruben Flores*